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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,441	10/29/2001	Constantine N. Anagnostopoulos	82395AEK	1071

7590

10/27/2003

Paul A. Leipold
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

SCHWARTZ, PAMELA R

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 10/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

CUO-8

Office Action Summary

Application No.

10/039,441

Applicant(s)

ANAGNOSTOPOULOS,
CONSTANTINE N.

Examiner

Pamela R. Schwartz

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 and 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Art Unit: 1774

1. The amendment filed July 23, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention.

Deletion of the entire paragraph at the bottom of page 9 is considered to be new matter because it changes the scope of the specification as originally filed. Applicants should have only deleted references to figures 11, 12a-c and 13a-c since the figures were not submitted. The remainder of the paragraph should not have been deleted. Correction is required.

2. The provisional double patenting rejections have been withdrawn in light of the filing of applicant's acceptable terminal disclaimer.

3. The rejection under 35 USC 112, second paragraph has been overcome by amendment to claim 1.

4. Claims 1, 3-13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ylitalo et al. (WO 99/55537) for reasons of record and for reasons given below.

5. Applicant's arguments filed July 23, 2003 have been fully considered but they are not persuasive. Applicant argues that the reference discloses delss that are larger than those instantly claimed, that the examiner is picking and choosing from the various cell measurements disclosed by the reference, and argues that the examiner has not met a few particular claim limitations related to cell size and shape.

On page 5, the reference states "the relationship between the ink and the media is key to image graphic quality." The reference discloses the current (as of the time of

Art Unit: 1774

the disclosure) precision and ink drop volumes generally used but notes that those in the field at the time were striving to make printers with even smaller drop volumes.

Therefore, Ylitano et al. were aware that smaller cells enabled increases in resolution and in image quality, but at the time of their invention, 20 pL was the typical drop size of printers. In any case, the reference is not specifically limited to recited sample values for the size and shape of the micro-embossed cells. On page 13, the reference discloses an algorithm for determining volume and depth of cavities for a given shape presumably considering determination of these values to be dependent upon the intended use and amount of resolution necessary for the given purpose.

Applicant now claims a medium with smaller cells than those used in the example of the prior art. The international filing date of the prior art is about 2 and a half years earlier than that of applicant's invention. In that time, there is no doubt that advancements have been made in printing technology. Consequently, it would have been expected to one of ordinary skill in the art and consistent with the disclosure of the reference that as printers become capable of printing with smaller volume droplets, media with higher resolution embossment will be desired in order to take full advantage of the small volume droplets and the potential increase in image resolution and quality.

Applicant's invention is aimed at increasing image quality and applicant does so by optimizing the size of ink accepting cells on the surface of the recording medium. This is considered to be obvious optimization of the prior art since those in the art would have found it obvious to increase image quality through a decrease in cell size. It is noted that applicant's disclosure does not limit the cell dimensions and that applicant's

Art Unit: 1774

specification also gives examples of cell sizes and shapes rather than specific required ranges of cell size. Applicants state on page 7 that "[t]he desired cell array, area, and volum depend on the desired final image quality." Therefore, applicant's invention also anticipates leaving these determinations to one of ordinary skill in the art depending on the intended end use for the medium.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela R. Schwartz whose telephone number is 703-308-2424. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on (703) 308-0449. The fax

Application/Control Number: 10/039,441

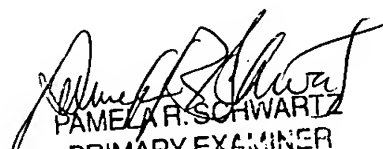
Page 5

Art Unit: 1774

phone number for the organization where this application or proceeding is assigned is
703-872-9310.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-
0661.

PRSchwartz
October 25, 2003


PAMELA R. SCHWARTZ
PRIMARY EXAMINER